

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. V-09-23
	§	
ROSELIO GARCIA	§	

MEMORANDUM OPINION AND ORDER OF DETENTION
PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 18 U.S.C. § 2252(a)(2); and

(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant has not produced a co-surety, has no funds to address the risk of flight, and has not proffered any acceptable living arrangements which would not involve the proximity to minor children. He is a poor bond risk.

The defendant is committed to the custody of the Attorney General or his

designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 1st day of April, 2009.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE